

How We Fight: Ethics in War. EDITED BY HELEN FROWE AND GERALD LANG. (Oxford: OUP, 2014. Pp. xxxii + 196. Price h/b £35.00.)

This collection, a companion volume to the recent OUP collection *The Morality of Defensive War*, offers ten new essays from prominent scholars in the ethics of war and self-defence. And while many of the chapters engage with highly specialised – niche, even – debates within the Just War Tradition, the volume certainly offers some points of interest to those working in the ethics of war more broadly.

Several chapters examine foundational elements of key normative frameworks. Lang tests the rights-based foundations of defensive force, offering a partial defence of the Forfeiture account. Specifically, Lang contends that, on its own, the account fails to completely explain why the victim *gains*, and the attacker *loses*, a right, then provides the missing explanatory component from the victim's perspective by building on Narveson's account of what it is to have a right. Lippert-Rasmussen, meanwhile, defends the relevancy of intentions in determining moral permissibility from Scanlon's two recent criticisms, and from Scanlon and Thomson's complaint that evaluating an act's permissibility in terms of the intention it will be carried out with represents an impossible (first-person, deliberative) demand. Finally, Zohar argues that framing soldiers' duties in terms of 'protection' or 'prevention' of civilian deaths rather than duties to *not inflict harm* often warps our evaluations about the moral permissibility of using lethal force.

Relatedly, two chapters extend familiar elements to non-standard applications. Tadros cautiously argues that punitive war can be justified through its step-wise connection with deterrence and preventative war, but acknowledges that serious obstacles remain – specifically, avoiding the punishing the innocent. Kamm, meanwhile, extends the permissibility of lethal force to cases of *mere resistance* to injustice, and discusses the resulting implications for the "Taliban women".

Another pair of chapters examines the moral dimensions of McMahan's Tactical Bomber case, a hypothetical scenario designed to examine the permissibility of killing justified threateners. In brief: a pilot fighting a just war is tasked with bombing a military target, thereby preventing the death of 100 innocent civilians. However, doing so will also kill some nearby neutral villagers. The question is, are the villagers permitted to use defensive force against the bomber, whose justifiable mission nevertheless threatens them?

Previously, McMahan argued that the intuitive, positive answer demonstrates the inadequacy of the Rights theory of self-defence, which permits the use of force to defend rights violations. However, the justifiability of the bomber's mission means he does not *violate*, but only *infringes* upon, the villagers' rights, and as the Rights theory is at best silent regarding infringements, it cannot support the requisite intuition. Here, Hosein defends the Rights theory against McMahan's charge, arguing it can be legitimately extended to permit the use of force to prevent *wrongings* (which include both rights violations and infringements) and can therefore support the intuition that the villagers are permitted to use defensive force. Hosein pairs this

extension of (Thomsonian) Rights theory with a rejection of McMahan's justification defeats liability (JDL) principle, demonstrated by a series of incrementally modified scenarios intended to help reveal/guide our opposing intuitions.

Yet in the following chapter, McMahan, changing his mind, states he is no longer convinced the villagers *are* permitted to use defensive force. Specifically, he rejects the claim that the bombers are liable to be attacked (offering a renewed defence of his JDL principle, though oddly, he does not engage with Hosein's critique) and the idea that the villagers have an agent-relative permission to use defensive force. And in rejecting this second route, McMahan departs from his previous position: he no longer considers the villagers and bombers to be a case of 'symmetrical defense' (p. 126) where each enjoys equal permissions for defensive force. Rather, he argues that, following a line from his work concerning nonculpable attackers, endorsing an agent-relative permission in this case entails the counterintuitive result that the villagers would be permitted to kill innocent bystanders in opportunistic self-preservation. McMahan concludes by highlighting another potential justification: if the bombers have accepted a professional and enforceable duty to bear the costs of their actions, this may lend the villagers limited permissions to use defensive force. I must admit that, after considering the many alternate and ever-so-slightly modified scenarios in these two chapters, I found my own intuitions were a complete muddle. One might question the value of arguments that turn so heavily upon such precarious intuition-pumping, but this may simply be a flaw in my own moral compass rather than the nature of the argument.

The remaining three chapters are notable for their more explicit connection to the wider context of war. Uniacke argues that the familiar restrictions of necessity and proportionality on personal self-defence do not entail a further, reasonable prospect of success restriction; in this way, the restrictions on personal self-defence differ from traditional *jus ad bellum* restrictions. Uniacke attributes this difference to the 'political nature of the decision to wage war' (p. 63) which is absent in personal self-defence.

Frowe argues the familiar distinction between combatants and non-combatants and their presumed liability/non-liability to harm is largely incoherent; non-combatants can, and often are, morally responsible for their contributions to unjust war efforts, rendering them liable to be killed. Her argument is primarily negative, turning on the rejection of Rodin's Intervening Agency argument, McMahan and Fabre's argument that such contributions are insufficient for moral responsibility, and Fabre's claim that ignorance of their unjust threat entails that non-combatants are not morally responsible. Frowe insists however, that liability is not sufficient for permissibility, which may have additional requirements; for example, it must also be *useful* to kill the liable person.

Bazargan explores 'contingent pacifism', in which a morally permissible war is possible, but unlikely (given the improbability of satisfying strict constraints). Rejecting three "proportionality-based" views, Bazargan argues that, given our past failures to recognize unjust wars, and the seriousness of these harms, we should 'err on the side of caution' (p. 14) and refrain from waging war. This "epistemic-based" contingent pacifism holds even if it means we

fail to fight *just* wars and thereby allow greater harms: for when we take the further moral wrongness of *doing* over *allowing* harm into account, the scales remain tipped in favour of contingent pacifism. But this last move turns upon contentious proportionality considerations that, given his rejections of proportionality-based accounts, are problematic for Bazargan to adopt; further, if the doing/allowing distinction carries the moral significance Bazargan suggests, it is unclear why we need the epistemic argument at all.

In conclusion, I'd like to say something about the volume more generally. The title here is somewhat misleading, as readers would be hard pressed to explain how many of its chapters contribute to moral understanding of 'how we fight'; however, the dust jacket is more accurate, noting the contributors' focus on the "micro-foundations of just war theory". This is more than just a pedantic point about titles however, for I fear the deeper connection to war is sometimes lost as a result of this focus. Perhaps anticipating such criticism, the (well-written and extremely useful) introduction includes a somewhat self-conscious defence of the analytic nature of the collection and the desire to ground the ethics of war in the rules of individual defence. My concern however, is not with the analytic approach, but with the presumption that these points will remain relevant once we retreat from the micro and return to the macro picture of war. The essays in this volume however, are not unusual in this respect, but continue an established body of similarly myopic research in the ethics of war, and therefore can be evaluated with respect to their contributions to this body of knowledge. The gains here are genuine, though small victories; a not unexpected result of micro-foundational masonry.

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